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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,247	02/15/2001	Brant L. Candalore	66255	6145
22242	7590	11/14/2005		
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER SHORTLEDGE, THOMAS E	
			ART UNIT 2654	PAPER NUMBER

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/784,247

Applicant(s)

CANDELORE, BRANT L.

Examiner

Thomas E. Shortledge

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08/02/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35, 37-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to Remarks filed 08/02/2005.
2. Claims 1-35 and 37-51 are pending in the application. Claims 1, 20, 37, 43, and 49 are independent.
3. Claims 1, 20, and 49 have been amended.
4. Applicant's arguments with respect to claims 1-35 and 37-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-35, and 37-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi et al. (6,321,188).

As to claim 1, Hayashi et al. teach:

Art Unit: 2654

receiving one or more input commands in a communication device from a user (a selection is made by a user into the system, col. 13, lines 50-55);

outputting instructions in a target language that the user does not understand from the communication device in response to a received input command, the instructions requesting a non-verbal response to a phrase (outputting in a target language the scene and translated input phrases, where the translated phrases request information, and a response is required through a non-verbal input such as a button push or phrase selection, col. 19, lines 34-45, 58-67, and col. 20, lines 55-67);

receiving a selection of the phrase from a list of phrases in the user's language (a selection of phrases in the user's language, col. 16, lines 44-54);  
and

outputting the phrase in the target language from the communication device (converting and outputting the phrase in a target language, col. 17, lines 48-56).

As to claims 20 and 43, Hayashi et al. teach:

input controls for receiving commands from a user (controls for making a selection by a user as an input, col. 13, lines 50-55);

a speaker (col. 13, lines 15);

a processing system configured to play instructions in a target language that the user does not understand from the speaker in response to interaction with the input controls, wherein the instructions request a non-verbal response to

Art Unit: 2654

a phrase (outputting in a target language the scene and translated input phrases, where the translated phrases request information, and a response is required through a non-verbal input such as a button push or phrase selection, col. 19, lines 34-45, 58-67, and col. 20, lines 55-67);

the processing system further configured to receive a selection of the phrase from a list of phrases in the user's language (a selection of phrases in the user's language, col. 16, lines 44-54); and

to play the phrase in the target language from the speaker (outputting the phrase in a target language, col. 19, lines 29-31).

As to claim 37, Hayashi et al. teach:

receiving one or more input commands in a communication device (controls for making a selection by a user as an input, col. 13, lines 50-55);

storing text entered by a user in the user's language corresponding to a custom phrase (allowing the user to enter text entered in the user's language, creating a custom phrase, then storing this phrase for translation and output, col. 16, lines 35-53);

storing audio in a target language corresponding to the custom phrase (generating and storing speech to be played in the target language corresponding to the custom phrase, col. 19, lines 1-17);

receiving a selection from the custom phrase from a list of phrases in the user's language (a selection of phrases in the user's language, col. 16, lines 44-54); and

Art Unit: 2654

outputting the custom phrase in the target language from the communication device (converting and outputting the phrase in a target language, col. 17, lines 48-56).

As to claim 49, Hayashi et al. teach:

Storing person information in a communication device using a user's language, the personal information including at least one of the user's name, age, birth date, company affiliation, address, nationality, sex, marital status, customs, family, clothing preferences, clothing sizes, entertainment preferences, tourist preferences, professional background, educational background, hobbies, financial information, travel origination, travel destination, or food preference; and outputting one or more items of the personal information from the communication device in a target language (allowing the user to input seating preferences within a restaurant or on a train, indicating the travel or eating preferences, where these preferences are stored to be translated and outputted in the target language, col. 16, lines 44-53).

As to claims 2 and 21, Hayashi et al. teach outputting all instructions in a set of instructions (outputting all instructions to user a set, col. 16, lines 44-48, and col. 19, lines 47-55).

Art Unit: 2654

As to claims 3 and 22, Hayashi et al. teach outputting a selection of instructions in a set of instructions (outputting the instructions that correspond the wanted information or, col. 20, lines 55-67).

As to claims 4, Hayashi et al. teach outputting to one of a speaker, built-in on screen display, external on screen display, wireless interface, universal serial bus, IEEE 1394, infrared interface, and serial interface, (col. 13, lines 8-15 and col. 19, line 30).

As to claims 5, 41 and 48, Hayashi et al. teach receiving one or more input commands from one of a built-in button, external keyboard, internal microphone, wireless interface, universal serial bus, IEEE 1394, infrared interface, and serial interface (col. 13, lines 8-18).

As to claim 6, Hayashi et al. teach the selection of instructions is based on the phrase (selecting a phrase to be converted into a target language to be outputted as instructions to get a reply, col. 16, lines 35-43 and 45-50).

As to claims 7 and 23, Hayashi et al. teach displaying a list of responses in the target language; and receiving a selection of one of the responses (displaying a list of responses, and the user making a selection from that list, col. 20, lines 55-67).

As to claims 8, 24, 38 and 44, Hayashi et al. teach displaying a list of phrase categories in the user's language; and receiving a selection of one of the phrase categories (col. 16, lines 14-25).

As to claims 9, 25, 40 and 47, Hayashi et al. teach receiving a selection of a portion of the phrase from a secondary list (selecting phrases based on a keyword search where each word in the phrase is selected from a secondary list, col. 16, lines 14-25).

As to claim 10 and 26, Hayashi et al. teach storing text in the user's language corresponding to a custom phrase (the user is able select different words creating a custom phrase, col. 16, lines 14-25); and storing audio in the target language corresponding to the custom phrase (the output audio is determined from the phrase to be outputted in a target language, (col. 19, lines 1-9), where it would be necessary to store the audio to it is needed to be presented to the user).

As to claims 11 and 27, Hayashi et al. teach displaying a list of personal information fields in the user's language; and receiving data corresponding to one of the personal information fields (the user is able to input personal preferences into the system related to restaurant preferences and seating preferences while traveling, col. 16, lines 44-53).



Art Unit: 2654

As to claims 12 and 28, Hayashi et al. teach displaying a list of access categories and information fields; and receiving a selection to enable or disable one of the information fields for one of the access categories (selecting a phrase based on categories where the user is able to select the phrase within the category to be outputted, col. 16, lines 42-50).

As to claims 13 and 29, Hayashi et al. teach receiving a selection of one of the access categories; and displaying the information fields that are enabled for the selection access category (making a phrase of selection based on categories, and displaying the phrases on the device based on the categories, col. 44-53).

As to claims 14 and 31, Hayashi et al. teach the instructions further comprise stating a purpose of the communication device (the device outputs the requested information from a user in a target language, where a user in a target language is expected to answer the request within the device, (col. 17, lines 39-56), where it would be necessary that when the communication device is being used, the party that has the question asked to them would have to have some understanding received from the machine, instructing how to answer).

As to claims 15 and 32, Hayashi et al. teach stating how to respond with a yes or no answer (col. 7, lines 10-12).

Art Unit: 2654

As to claims 16, 17, 18, 33, 34 and 35, Hayashi et al. teach stating how to respond to a request for directions or a number or time (the phrase asking for information is outputted to the user, col. 20, lines 55-67, where it would be necessary that since the user has to input a response the user through selecting phrases, the selection of phrases would tell the user how to respond to a request).

As to claim 19, Hayashi et al. teach stating how to choose from a list of possible answers (col. 20, lines 55-65).

As to claim 30, Hayashi et al. teach a headphone connector (col. 13, line 15).

As to claims 39 and 45, Hayashi et al. teach receiving a selection further comprises receiving a selection of a custom phrase category (col. 16, lines 44-54).

As to claim 42, Hayashi et al. teach receiving input commands in the communication device corresponding to the text in the user's language (inputting commands as text, col. 16, lines 14-25).

As to claim 46, Hayashi et al. teach the system is further configured to receive a selection of a custom phrase category (col. 16, lines 44-54).

As to claim 50, Hayashi et al. teach outputting the information is access controlled by the user (the user is able to select phrases to be outputted, col. 16, lines 14-25).

As to claim 51, Hayashi et al. teach the access categories controlled by the user are selected from one or more of name, age, birth date, current data and time, company affiliation, address, nationality, sex, marital status, customs, family, clothing preferences and sizes, entertainment preferences, tourist preferences, professional background, educational background, hobbies, financial information, travel origination and destination, and food preferences (allowing the user to input seating preferences within a restaurant or on a train, indicating the travel or eating preferences, where these preferences are stored to be translated and outputted in the target language, col. 16, lines 44-53).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-890.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

Art Unit: 2654

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS  
11/04/2005



**VIJAY CHAWAN  
PRIMARY EXAMINER**